

FILED

UNITED STATES DISTRICT COURT

United States District Court
Albuquerque, New Mexico

for the
District of New Mexico



Mitchell R. Elfers
Clerk of Court

In the Matter of the Search of
(Briefly describe the property to be searched
or identify the person by name and address)

Case No.

23mr2074

One USPS Priority Mail parcel bearing USPS tracking
number 9505 5138 1166 3304 0284 99, more specifically
described in Attachment A

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):
See Attachment A

located in the _____ District of _____ New Mexico _____, there is now concealed (identify the person or describe the property to be seized):
See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

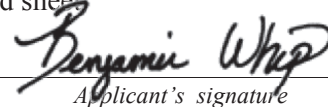
The search is related to a violation of:

Code Section	Offense Description
21 U.S.C 841 (a)(1)	Distribution of a controlled substance
21 U.S.C 846	Conspiracy

The application is based on these facts:

See the attached affidavit of U.S. Postal Inspector Benjmain Whip which has been incorporated by reference and has been reviewed and approved by AUSA Elaine Ramirez.

- ☐ Continued on the attached sheet.
- ☒ Delayed notice of 90 days (give exact ending date if more than 30 days: 01/31/2024) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet

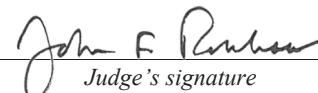

Applicant's signature

Benjamin Whip, U.S. Postal Inspector
Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephonically sworn and electronically submitted (specify reliable electronic means).

Date: November 3, 2023

City and state: Albuquerque, NM


Judge's signature

John F. Robbenhaar, Magistrate Judge
Printed name and title

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

IN THE MATTER OF THE SEARCH OF
ONE USPS PRIORITY MAIL PARCEL
BEARING USPS TRACKING NUMBER
9505 5138 1166 3304 0284 99, MORE
SPECIFICALLY DESCRIBED IN
ATTACHMENT A

Case No. _____

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Benjamin Whip, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a United States Postal Inspector and have been employed since May 2019. I have completed a twelve-week basic training course in Potomac, Maryland, which included training in the investigation of narcotics trafficking via the United States Mail. I am currently assigned to the Phoenix Division, Albuquerque, NM Domicile which is responsible for investigating narcotic violations involving the United States Mail. Part of my training as a Postal Inspector included narcotic investigative techniques and training in the identification and detection of controlled substances being transported in the U.S. Mail. Prior to my appointment as a U.S. Postal Inspector, I served as a U.S. Border Patrol Agent with the Department of Homeland Security, Customs and Border Protection, in Casa Grande, AZ, for nearly 11 years. I hold a Bachelor's Degree in Criminal Justice from Michigan State University.

2. I have assisted on numerous narcotics investigations of individuals for violations of Title 21, United States Code, Sections 841(a)(1) (Possession with Intent to Distribute a Controlled Substance), 843(b) (Use of a Communication Facility to Facilitate the Distribution of a Controlled Substance), and 846 (Conspiracy to Possess with Intent to Distribute a Controlled Substance). The facts and information contained in this affidavit are based on my personal knowledge, as well as that

of other Postal Inspectors and law enforcement officers involved in this investigation as described below.

3. This affidavit is made in support of an application for a search warrant for one United States Postal Service (“USPS”) Priority Mail parcel (hereafter, referred to as the “**SUBJECT PARCEL**”). The **SUBJECT PARCEL** is believed to contain controlled substances and/or proceeds from the sale of controlled substances.

4. The **SUBJECT PARCEL** is further described as follows: One USPS Priority Mail parcel bearing USPS tracking number 9505 5138 1166 3304 0284 99, addressed to “701 Valley High Ave. Southeast, Albuquerque, NM 87105” with a return address of “1387 Garfield, Calexico, CA 92231.” The **SUBJECT PARCEL** is a large USPS Priority mailing box, measuring approximately 12.5 inches by 12 inches by 8.5 inches, weighing approximately 5 pounds 11 ounces, postmarked October 31, 2023, and bearing \$14.85 in postage.

BACKGROUND

5. From my training and experience, as well as the training and experience of other Postal Inspectors, I am aware the USPS mail system is frequently used to transport controlled substances and/or proceeds from the sale of controlled substances to areas throughout the United States. I also know drug traffickers prefer mail/delivery services such as Express Mail and Priority Mail because of their reliability and the ability to track the article’s progress to the intended delivery point. When a drug trafficker learns that a mailed article has not arrived as scheduled, he/she becomes suspicious of any delayed attempt to deliver the item.

6. Based on my training and experience regarding Express Mail operations, I am aware that the Express Mail service was designed primarily to fit the needs of businesses by providing overnight delivery for time-sensitive materials. Moreover, based on my training and experience, I am aware that business mailings often: (a) contain typewritten labels; (b) are addressed to and/or from a

business; (c) are contained within flat cardboard mailers; and (d) weigh less than eight ounces. In addition, corporate charge accounts were developed by the USPS to avoid time-consuming cash payments by businesses for business mailings.

7. Based on my training and experience, I am aware that the Priority Mail service was created as a less expensive alternative to Express Mail overnight delivery, but designed to provide quicker, more reliable service than standard First-Class Mail. Whereas a customer mailing an article via Express Mail expects next-day service, a customer who mails an article via Priority Mail can expect two- to three-day delivery service. The USPS also provides a tracking service through a USPS tracking number, which allows the customer to track the parcel and confirm delivery.

8. Based on my training and experience regarding Priority Mail operations, I am aware the majority of Priority Mail mailings are business mailings. Businesses have found that Priority Mail is a significantly less expensive method of mailing than Express Mail, particularly when next-day service is not a requirement. I also know that, similar to Express Mail, Priority Mail business mailings tend to be smaller, lighter mailings, and on average, weigh less than two pounds. Examples of the typical types of business mailings conducted via Priority Mail include books, clothing, pharmaceuticals, and consumer goods purchased from online retailers.

9. From my training, personal experience, and the collective experiences related to me by other Postal Inspectors who specialize in investigations relating to the mailing of controlled substances and proceeds from the sale of controlled substances, I am aware that the State of California is a source location for controlled substances based on its close proximity to the border between the United States and Mexico. As such, controlled substances are frequently transported from California via USPS, and proceeds from the sale of controlled substances are frequently returned to California via USPS.

10. Based on my training and experience regarding the use of Express Mail and Priority Mail to transport-controlled substances and/or the proceeds from the sale of controlled substances, I am aware these parcels usually contain some or all of the following characteristics:

- a. The parcel contains a label with handwritten address information and is addressed from one individual to another individual, rather than from one business to another business, which are the entities that more commonly use Express Mail or Priority Mail;
- b. The handwritten label on the parcel does not contain a business account number, thereby indicating that the sender likely paid cash;
- c. The parcel is heavier than the typical mailing, often weighing more than eight ounces for Express Mail, and two pounds for Priority Mail; and/or
- d. The parcel either: (a) was destined for an area known to be a frequent destination point for controlled substances, having been mailed from an area known to be a source area for controlled substances; or (b) originated from an area known to be a frequent origination point for proceeds from the sale of controlled substances, having been mailed to an area known to be a destination area for proceeds from the sale of controlled substances.

11. Express Mail and Priority Mail parcels found to meet any or all of the characteristics described above are often further scrutinized by Postal Inspectors through address verifications and an examination by a trained narcotics detecting canine.

RELEVANT FACTS PERTAINING TO THE SUBJECT PARCEL

12. On November 2, 2023, I was notified of a suspicious parcel (the **SUBJECT PARCEL**) destined for Albuquerque, New Mexico from Calexico, California. From my training and experience, as well as the training and experience of other Postal Inspectors, I know Calexico, California, is a source city for methamphetamine, heroin, and fentanyl. On November 2, 2023, I intercepted the **SUBJECT PARCEL** from the USPS mail stream at the USPS Automated Sort Facility, 7601 Bluewater Rd. NW, Albuquerque, NM 87121.

13. Upon physical examination of the **SUBJECT PARCEL**, the **SUBJECT PARCEL** met some of the characteristics listed in Paragraph 10 above. First, the **SUBJECT PARCEL** bore

handwritten address information and was addressed from one individual to another individual. Second, the **SUBJECT PARCEL** was mailed to an address in the state of New Mexico from an address in the state of California. Based on my training, experience, and the collective experiences related to me by other Postal Inspectors who specialize in investigations relating to the mailing of controlled substances and proceeds from the sale of controlled substances, I am aware that the State of California is frequently a source location for controlled substances that are mailed to the State of New Mexico, and that proceeds from the sale of controlled substances are frequently returned to California from New Mexico via USPS.

14. I conducted a database query regarding the names and addresses appearing on the **SUBJECT PARCEL** in Consolidated Lead Evaluation and Reporting (“CLEAR”), a law enforcement database accessible to me. CLEAR associates addresses and telephone numbers to individuals and business entities. The CLEAR database is created from credit reports, law enforcement reports, utility records, and other public records.

15. Through the CLEAR database query, I learned that the delivery address for the **SUBJECT PARCEL** — 701 Valley High Ave. Southeast, Albuquerque, NM 87105 — was an existing, deliverable address; however, the **SUBJECT PARCEL** was not addressed to an individual. The same database query revealed the return address for the **SUBJECT PARCEL** — 1387 Garfield, Calexico, CA 92231 — was an existing, deliverable address; however, the **SUBJECT PARCEL** did not list a name for the return address.

16. From my training, personal experience, and the collective experiences related to me by other Postal Inspectors who specialize in investigations relating to the mailing of controlled substances, it is common for drug traffickers to use names not associated with an address and/or fictitious names and addresses, or exclude names all together, to evade detection by law enforcement.

NARCOTICS CANINE ALERT ON SUBJECT PARCEL

17. On November 2, 2023, the **SUBJECT PARCEL** was inspected by Sandoval County Sheriff's Office (SCSO) Deputy Chris Urbanic and his canine partner "Rubble." The **SUBJECT PARCEL** was separated and individually inspected by Deputy Urbanic's canine partner "Rubble." Rubble is a two-year-old German Shepard who is trained and Nationally Certified by the National Narcotic Detector Dog Association. "Rubble" is trained and certified to detect the odors of heroin, cocaine, methamphetamine, fentanyl and their derivatives.

18. On November 2, 2023, at approximately 3:36 PM, Deputy Urbanic advised that "Rubble" alerted and indicated to the presence of one of the above-mentioned trained odors.

CONCLUSION

19. Based on these facts, there is probable cause to believe the **SUBJECT PARCEL** described in Paragraph 4 above contains controlled substances or proceeds from the sale of controlled substances, constituting evidence of violations of Title 21, United States Code, Sections 841(a)(1) (Possession with Intent to Distribute a Controlled Substance) and 846 (Conspiracy to Distribute a Controlled Substance).

20. I further request, pursuant to 18 U.S.C. § 3103a(b) and Federal Rule of Criminal Procedure 41(f)(3), that the Court authorize delay of notice of this warrant for a period not to exceed 90 days from the date that the order is entered. Agents have only recently begun this investigation and anticipate it will remain ongoing for at least several more months. I believe, as detailed above, the sender of the **SUBJECT PARCEL** and his/her co-conspirators have demonstrated their intention to thwart law enforcement's efforts to detect the distribution of controlled substances through the use of the USPS. There is reasonable cause to believe that providing immediate notification may have an adverse result, as defined in 18 U.S.C. § 2705. Providing immediate notice to the sender and/or recipient would seriously jeopardize the ongoing investigation, as such a disclosure would give that

person an opportunity to destroy evidence, change patterns of behavior, notify confederates, and flee from prosecution. Agents believe a delay of 90 days, until January 31, 2024, is foreseeably necessary based on the nature of this investigation. The period of delay may thereafter be extended by the court for good cause shown.

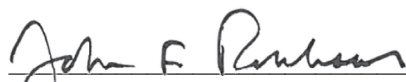
21. Assistant United States Attorney Elaine Ramirez reviewed and approved this affidavit.

Respectfully submitted,



Benjamin Whip
U.S. Postal Inspector

Telephonically sworn and electronically submitted
on this 3rd day of November 2023.



HONORABLE JOHN F. ROBBENHAAR
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

1. The **SUBJECT PARCEL** is further described as follows: One USPS Priority Mail parcel bearing USPS tracking number 9505 5138 1166 3304 0284 99, addressed to “701 Valley High Ave. Southeast, Albuquerque, NM 87105” with a return address of “1387 Garfield, Callexico, CA 92231.” The **SUBJECT PARCEL** is a large USPS Priority mailing box, measuring approximately 12.5 inches by 12 inches by 8.5 inches, weighing approximately 5 pounds 11 ounces, postmarked October 31, 2023, and bearing \$14.85 in postage.

2. The **SUBJECT PARCEL** is currently located in the U.S. Postal Inspection Service, Albuquerque Domicile office, 1135 Broadway Blvd., Albuquerque, NM 87101.



ATTACHMENT B

Evidence of violations of Title 21, United States Code, Sections 841(a)(1) and 846, including controlled substances, U.S. currency, and documents related to the distribution of controlled substances such as drug ledgers, banking and/or money remitter information, and information leading to the identities of the sender, recipient and source of supply.